



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

DAVID A. NASSE | TRIAL COUNSEL
DIRECT DIAL: (202)551-4426
EMAIL: NASSED@SEC.GOV

August 30, 2022

BY ECF

Honorably Ronnie Abrams
United States District Court
500 Pearl Street
New York, NY, 10007

Re: *Securities and Exchange Commission v. Ronal Bauer et al.*, 22-cv-3089 (RA)

Dear Judge Abrams:

An initial status conference in the above-captioned matter is scheduled for Friday September 9, 2022. For the reasons set forth herein, the Securities and Exchange Commission (“SEC”) respectfully requests a continued adjournment of the initial conference and corresponding requirements set forth in the Court’s June 24, 2022 Order granting Letter Motion to Adjourn Conference (Dkt No. 35) (the “Order”).

First, as the noted in its June 23, 2022 Letter Motion (Dkt. No. 34), the SEC continues to understand that the U.S. Attorney for the Southern District of New York (the “Government”) plans to intervene in this case and move to stay this case until the parallel criminal matter of *United States v. Ronald Bauer et al.*, 22 Cr. 155 (S.D.N.Y.) is completed. In the criminal matter, the Government has indicted four of the eight defendants in this civil case (namely, defendants Bauer, Auringer, Mihyalov and Ferris).

Second, since the SEC’s June 23, 2022 Letter, the SEC has now completed service on six of the eight defendants. The SEC understands the remaining two un-served defendants (defendants Auringer and Mihaylov) reside outside of the United States. The SEC is working to effect service of these defendants through international channels as permitted by Fed. R. Civ. P. 4(f) which provides for service on individuals in a foreign country. Specifically, the SEC has attempted service pursuant to the Hague Service Convention of defendant Mihaylov in Bulgaria and defendant Auringer in the United Kingdom. The SEC has recently learned that defendant Auringer may be residing in Spain and is in the process of attempting service there through the Hague Service Convention. Although under Fed. R. Civ. P. 4(m) there is no time limit for serving a defendant in a foreign country, the SEC may ultimately seek service of defendants Auringer and Mihaylov by alternate means as permitted by Fed. R. Civ. P. 4 (f)(3) should international service continue to be unsuccessful.

Lastly, as a result of the timing of the service of the remaining defendants the deadline for the served defendants to answer or otherwise respond to the Complaint varies from September 2, 2022 to October 8, 2022 well after the date set for the initial status conference.

Given the foregoing, the SEC requests an adjournment of the initial status conference and related deadlines set forth in the Order until a date after the SEC completes service under Fed. R. Civ. P. 4(f). The SEC is prepared to file periodic status reports every sixty days (or as directed by the Court) on its efforts to complete service. This is the SEC's second request for an adjournment but given current the status of service of these international defendants and the parallel criminal proceeding, the SEC believes the continued adjournment is appropriate and promotes judicial efficiency.

Counsel for the SEC has conferred with all counsel of record for the served defendants and confirmed that they have no objections to this motion.

Respectfully submitted,



David A. Nasse
Trial Counsel

Application granted. The initial conference scheduled for September 9, 2022 is adjourned *sine die*. By September 30, 2022, the SEC shall submit a letter update on the status of service and an appropriate date for an initial conference.

SO ORDERED.



Hon. Ronnie Abrams
August 31, 2022